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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,773	06/30/2000	Ryszard W. Dyrga	042390.P8723	2339

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EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/608,773

Applicant(s)

DYRGA ET AL.

Examiner

David Odland

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
10. ☐ Other: _____

HASSAN KIZOU

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Continuation of 5: on pages 2 through 6 regarding the 35 U.S.C 103(a) rejections of claims 1-20, the applicant argues that neither Ganmukhi or Kinoshita disclose a logical network interface communicatively coupled between the first interface and the first and second control units wherein the logical interface is communicatively coupled to each of the physical ports of the first interface by at least one signal line such that either one of the first and second control units may communicate with any of the plurality of devices if the other of the first and second control units fail. The Examiner respectfully disagrees. The primary reference, Ganmukhi, discloses almost all of these limitations. Specifically, Ganmukhi discloses a network interface (a second interface (see the interface of physical ports on the right side of the switch in figure 1) communicatively coupled between the first interface and the first and second control units (the second interface is coupled to between the first interface and the two control processors, such that they the second interface can communicate with both the first interface and the two control processors 9see figure 1)), wherein the second interface is communicatively coupled to each of the physical ports of the first interface by at least one signal line (the second interface is coupled to each of the physical ports of the first interface by signal connections within the switch (see figure 1)), such that either one of the first and second control units may communicate with any of the plurality of network devices if the other of the first and second control devices fails (if one of the control processors fails, the other can commence communication with any of the ports of either of the first and/or second network interfaces (see figure 1 and column 3 lines 38-52). As pointed out in the Final Office Action, the only limitation of the independent claims that is not met by the Ganmukhi reference is that the second network interface is a 'logical' interface comprising 'logical' ports. Kinoshita teaches of routing system that can compensate to this deficiency in

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Ganmukhi. Namely, Kinoshita discloses that its physical ports of the router are logical-type ports (see column 2 lines 31 through 50) and also points out in column 2 lines 26-43, that implementing physical ports as logical ports allows the router to interface an increased number of nodes without having to increase the number of physical ports. Therefore, utilizing these types of ports in Ganmukhi would allow Ganmukhi to service an increased number of nodes without the increased hardware costs that would be needed in order to service such an increase. Thereby, reducing the developmental costs of Ganmukhi.

Note, if the Applicant feels an interview would expedite the handling of the case, the Applicant is invited to contact the Examiner at 703-305-3231.